

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
June 25, 2007

D050876 Nuno v. Omni Express

The matter having been considered by Presiding Justice McConnell and Associate Justices McDonald and Aaron, Ana Maria Nuño's appeal is DISMISSED on the grounds (1) this court does not have jurisdiction to hear an appeal from a superior court order dismissing an appeal to that court, and (2) viewed as an application for writ of review under Labor Code section 5950, the appeal is untimely.

D049766 McGuire v. 235 On Market

The appeal is DISMISSED. Absent dismissal of the cross-complaint or a clear manifestation of respondent's intent to abandon the cross-complaint, the judgment on the complaint is not an appealable final judgment. The attorney fee order is not an appealable collateral order because resolution of the appeal of that order is dependent, at least in part, on resolution of the appeal of the judgment on plaintiff's complaint. Because that judgment is not presently appealable as a final judgment, review of the purportedly postjudgment attorney fee order is premature.

D047895 People v. Cabrera

Accordingly, on remand we order the sentence on appellant's corporal punishment conviction be reduced to three years and stayed under section 654. In all other respects, the judgment is affirmed. CERTIFIED FOR PUBLICATION. Benke, J.; We Concur: McConnell, P.J., Huffman, J.

D050986 In re Twyne on Habeas Corpus

The petition for writ of habeas corpus in *In re: Twyne* (D050986) will be considered with the pending appeal in *People v. Twyne* (D049862).

D051052 In re Vega on Habeas Corpus

The petition is denied without prejudice to being re-filed in the appropriate appellate court.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
June 26, 2007

D050988 Naylor v. Superior Court of San Bernardino County/People
The petition is denied.

D050600 E. S. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency
The order is affirmed. McIntyre, J.; We Concur: Huffman, Acting P.J., Nares, J.

D049706 People v. Walker
The judgment is affirmed. McIntyre, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

D050454 In re Aliya K., a Juvenile
The judgment is affirmed. Huffman, J.; We Concur: McConnell, P.J., McIntyre, J.

D048640 Juarez et. al. v. Arcadia Financial Ltd.
The trial court's grant of summary judgment as to the class claims against Arcadia is reversed. We also reverse that portion of the trial court's order denying the plaintiffs' motion to compel discovery responses to the interrogatories regarding whether Arcadia maintained the allegedly ill-gotten funds in a separate account and, if so, whether those funds earned profits, or, if not, the rate of return on the commingled funds. The matter is remanded to the trial court for further proceedings. Costs are awarded to appellants. CERTIFIED FOR PUBLICATION. Aaron, J.; We Concur: Benke, Acting P.J., McIntyre, J.

D049901 In re Valerie A. et al.
The judgments are affirmed. CERTIFIED FOR PUBLICATION. Irion, J.; We Concur: Huffman, Acting P.J., Aaron, J.

D048562 Peik et al. v. Kawesch et al.
The judgment is reversed and the matter is remanded for further proceedings consistent with this opinion. The Plaintiffs are to recover their costs on appeal. McIntyre, J.; We Concur: Benke, Acting P.J., Huffman, J.

D050701 Rohr et al. v. The Superior Court of San Diego County/Cessna et al.
The petition is denied.

D050841 Ricky L. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency
The attorney for petitioner Jennifer C. has notified the court that a petition for writ of mandate under California Rules of Court, rule 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
June 26, 2007 (Continued)

D050802 Teresa R. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Teresa R. has notified the court that a petition for writ of mandate under California Rules of Court, rule 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.

D050923 Jennifer C. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Jennifer C. has notified the court that a petition for writ of mandate under California Rules of Court, rule 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.

D048597 People v. Flournoy

Submission is vacated in the above-referenced cause in light of a panel change. The cause is resubmitted this date.

D050569 In re Pogue on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
June 27, 2007

D048540 Hildebrand v. Department of Motor Vehicles

The judgment is affirmed. Costs on appeal are awarded to DMV. Huffman, Acting P.J.;
We Concur: McIntyre, J., O'Rourke, J.

D051069 Royal Finishing Inc., et al. v. Superior Court of San Diego County/Myers

The petition is denied.

D049153 People v. Buzby

The petition for rehearing is granted. No further briefing is required. The case is deemed
submitted as of this date.

D048597 People v. Flournoy

The judgment is affirmed. Nares, Acting P.J.; We Concur: Haller, J., McIntyre, J.

D051111 Voorhies v. The Superior Court of San Diego County/Ross

The petition is denied.

**D050805 Rosa H. v. Superior Court of San Diego County/San Diego County Health
and Human Services Agency**

No timely petition for writ relief has been filed. The notice of intent is deemed to be abandoned.
The case is dismissed.

D051126 Freeman v. Superior Court of San Diego County/People

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
June 28, 2007

D050001 People v. Bogdanov

All proceedings in this cause are permanently abated by reason of appellant's death. The Superior Court is directed to enter its order to that effect in the record. There no longer being an appellate objective, the appeal is dismissed.

D050619 In re Rohner on Habeas Corpus

The petition is denied.

D050422 In re Nathaniel H., a Juvenile

The appeal is dismissed. Haller, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

D050582 In re DiParra on Habeas Corpus

The petition is denied.

D051157 Darulis v. Superior Court of San Diego County/People

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
June 29, 2007

D048113 People v. Fullbright

The sentence on count 2 is reversed and the matter is remanded for resentencing on that count only. In all other respects, the judgment is affirmed. Nares, Acting P.J.; We Concur: McDonald, J., Irion, J.

D048981 In re Gabriel E., a Juvenile

The judgment is affirmed. The matter is remanded to the juvenile court with directions to amend its minutes, the school notification, and the felony notification to sheriff to reflect true findings on counts one and four only. Benke, J.; We Concur: McConnell, P.J., McDonald, J.

D050192 People v. Maithas

The judgment is affirmed. Aaron, J.; We Concur: McIntyre, Acting P.J., Irion, J.

D050620 In re Robinson on Habeas Corpus

The petition is denied.

D051115 People v. Aguilera

The petition is denied.

D050581 In re Walker on Habeas Corpus

The petition is denied.

D047934 White v. Osborn

The trial court's November 29, 2005 order is affirmed. Respondent is entitled to costs on appeal. Aaron, J.; We Concur: McDonald, Acting P.J., O'Rourke, J.

D051053 Kalwall Corporation v. Superior Court of San Diego County/Government Employees Insurance Company et al.

The petition is denied.

D051122 People v. Valletta

The petition is denied.

D051158 In re Harris III on Habeas Corpus

The petition is denied without prejudice to being re-filed in the Court of Appeal, Second Appellate District. The clerk is directed to retain one copy of the petition for our records and to return the original petition and all other copies to Harris so he may file them in the appropriate court.